

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSE BURGOS,

Defendant.

**Proposed
Order of Restitution**

19 Cr. 202 (GBD)

DEC 09 2021

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Stanley J. Okula, Jr., Special Assistant United States Attorney, and David Raymond Lewis, Assistant United States Attorney, of counsel; the Presentence Investigation Report dated August 20, 2021; the plea agreement; the Defendant's conviction on Counts One and Two of the Information; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

JOSE BURGOS, the Defendant, shall pay restitution in the total amount of \$129,200, pursuant to 18 U.S.C. § 3663, to the victim of the offenses charged in Counts One and Two, to wit, the Internal Revenue Service ("IRS"), as set forth below. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

The restitution in this case consists of two portions. As to the first portion, in the amount of \$17,220, restitution is not joint and several with any other conspirator or person charged in the same case or scheme. As to the second portion, in the amount of \$112,000, such restitution is joint

and several with any such restitution to be imposed in the future upon co-conspirator Michael Carrone, charged separately in *United States v. Carrone*, 20 Cr. 561 (VM).

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the Defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the Defendant; and any financial obligations of the Defendant; including obligations to dependents, the Defendant shall, in the interest of justice, pay restitution in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2) as follows:

The Defendant shall commence monthly installment payments in an amount of at least 10 percent of the Defendant's gross income, payable on the first day of each month, starting immediately upon entry of this judgment.

3. Payment Instructions

The Defendant shall make restitution payments by certified check, bank check, money order, wire transfer, credit card or cash. Checks and money orders shall be made payable to the "SDNY Clerk of the Court" and mailed or hand-delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The Defendant shall write his name, Social Security number, and the docket number of this case on each check or money order. Credit card payments must be made in person at the Clerk's Office. Any cash payments shall be hand delivered to the Clerk's Office using exact change, and shall not be mailed. For payments by wire, the Defendant shall contact the Clerk's Office for wiring instructions.

The Clerk's Office shall forward all restitution payments to the victim in this case, the Internal Revenue Service ("IRS"), at the below address within 30 days of receiving said payments from the Defendant:

IRS - RACS
Attn: Mail Stop 6261, Restitution
333 W. Pershing Ave.
Kansas City, MO 64108

The Clerk's Office shall ensure that the Defendant's name, Social Security number, and the docket number of this case are indicated on the payment prior to forwarding the payment to the IRS.


4. Additional Provisions

The Defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Unit) of (1) any change of the Defendant's name, residence, or mailing address or (2) any material change in the Defendant's financial resources that affects the Defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k). If the Defendant discloses, or the Government otherwise learns of, additional assets not known to the Government at the time of the execution of this order, the Government may seek a Court order modifying the payment schedule consistent with the discovery of new or additional assets.

5. Restitution Liability

The Defendant's liability to pay restitution shall terminate 20 years from the entry of judgment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the Defendant, the Defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

SO ORDERED:


HON. GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE

DEC 09 2021
DATE